IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 792 of 2007()

CRMP.323/2007 of SESSIONS COURT, THODUPUZHA

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: PETITIONERS/ACCUSED:

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1. KRISHNANKUTTY, AGED 49 YEARS,
S/O.GOPALAN, THEKKILAKKATTIL HOUSE,
KOLANI KARA, THODUPUZHA VILLAGE.

2. SINJU S/O.NARAYANAN,
AGED 30 YEARS, THEKKILAKKATTIL HOUSE,
KOLANI KARA, THODUPUZHA VILLAGE.

3. SURESH S/O.SIVARAMAN, AGED 30 YEARS,
PURANGANIRAPPIL (H), NJEEZHOOR KARA,
NJAZHOOR VILLAGE, VAIKOM TALUK.

4. SUDHISH AGED 20 YEARS,
S/O.KRISHNANKUTTY, THEKKILAKKATTIL HOUSE,
KOLANI KARA, THODUPUZHA VILLAGE.

5. NARAYANAN, S/O.GOPALAN,
AGED 54 YEARS, THEKKILAKKATTIL HOUSE,
KOLANI KARA, THODUPUZHA VILLAGE.

BY ADV. SRI.BINOI GEORGE (CHERUKARA)
SRI.R.DIVAKARAN

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, KARIKUNNAM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 792 OF 2007

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DATED THIS THE 15th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.1 to 5 in Crime No.5/07 of Karimkunnam Police Station for offences punishable under sections 341, 323, 326 and 294(b) read with section 34 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the first accused is the person who assaulted the Police Constable with a stone resulting in the loss of one tooth and loosening of another tooth and that the attack was being infuriated by the reporting to the Police about the aggression mounded by the first accused.

3. Considering the above facts and circumstances of the case, I am not inclined to grant anticipatory bail to the first petitioner/first accused. I am, however, inclined to grant anticipatory bail to accused Nos.2 to 5. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release petitioners 2 to 5 on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. Petitioners 2 to 5 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners 2 to 5 shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners 2to 5 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners 2 to 5 shall not commit any offence while on bail.

5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If petitioners 2 to 5 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

In the case of the first accused, there is no reason why the he should not surrender before the Investigating Officer and seek regular bail from the Magistrate after interrogation. Accordingly, the first accused is directed to surrender before the Investigating Officer on any day between 20.2.2007 and 22.2.2007 for the purpose of interrogation. He shall thereafter be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the first accused, for regular bail, preferably on the same date on which it is filed.

This application is allowed in part as above.

V.RAMKUMAR,JUDGE.

dsn